

111TH CONGRESS
1ST SESSION

H. R. 3113

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2009

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Upper Elk River Wild
3 and Scenic Study Act”.

4 **SEC. 2. DESIGNATION FOR STUDY.**

5 Section 5(a) of the Wild and Scenic Rivers Act (16
6 U.S.C. 1276(a)) is amended by adding at the end the fol-
7 lowing:

8 “() ELK RIVER, WEST VIRGINIA.—The approxi-
9 mate 5-mile segment of the Elk River from the con-
10 fluence of the Old Field Fork and the Big Spring
11 Fork in Pocahontas County to the Pocahontas and
12 Randolph County line.”.

13 **SEC. 3. STUDY AND REPORT.**

14 Section 5(b) of the Wild and Scenic Rivers Act (16
15 U.S.C. 1276(b)) is amended by adding at the end the fol-
16 lowing:

17 “() ELK RIVER, WEST VIRGINIA.—Not later
18 than 3 years after funds are made available to carry
19 out this paragraph, the Secretary of Agriculture
20 shall complete the study of the 5-mile segment of the
21 Elk River, West Virginia, designated for study in
22 subsection (a), and shall submit to Congress a re-
23 port containing the results of the study. The report
24 shall include an analysis of the potential impact of
25 the designation on private lands within the 5-mile

1 segment of the Elk River, West Virginia, or abutting
2 that area.”.

3 **SEC. 4. EFFECT.**

4 (a) EFFECT ON ACCESS FOR RECREATIONAL ACTIVI-
5 TIES.—Consistent with section 13 of the Wild and Scenic
6 Rivers Act (16 U.S.C. 1284), nothing in the designation
7 made by the amendment in section 2 shall be construed
8 as affecting access for recreational activities otherwise al-
9 lowed by law or regulation, including hunting, fishing, or
10 trapping.

11 (b) EFFECT ON STATE AUTHORITY.—Consistent
12 with section 13 of the Wild and Scenic Rivers Act (16
13 U.S.C 1284), nothing in the designation made by the
14 amendment in section 2 shall be construed as affecting
15 the authority, jurisdiction, or responsibility of the several
16 States to manage, control, or regulate fish and resident
17 wildlife under State law or regulations, including the regu-
18 lation of hunting, fishing, and trapping.

Passed the House of Representatives September 22,
2009.

Attest: LORRAINE C. MILLER,
Clerk.